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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 ERIC DETRICK McPHERSON,

15 Defendant.

CASE NO. CR94-5708RJB

ORDER DENYING MOTION
WITHOUT PREJUDICE

16 THIS MATTER comes before the Court on Mr. McPherson's Motion for Compassionate
17 Release Via Reduction or Modification of Sentence Pursuant to 18 U.S.C. § 3582(1)(A)(i) for
18 Extraordinary and Compelling Reasons or, Alternatively, the "Holloway Doctrine" (Dkt. 185).
19 The Court is familiar with the records and file herein, the Defendant's motion, and the United
20 States' Response to Motion for Reduction or Modification of Sentence (Dkt. 187).

21 For the reasons stated in the United States' response, Mr. McPherson's motion should be
22 denied without prejudice.
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1 As indicated in the United States' response, § 403 of the First Step Act does not apply
2 retroactively to defendants, like Mr. McPherson, who were sentenced before the effective date fo
3 the statute, and does not provide any relief to Mr. McPherson.

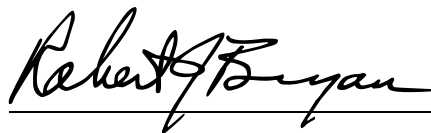
4 Section 401 of the First Step Act permits a reduction in sentence, but only if certain
5 preliminary steps are taken. Those steps are outlined in the United States' response and the
6 denial without prejudice herein will give Mr. McPherson the opportunity to renew his motion in
7 the future after satisfying the prerequisites.

8 The so-called Holloway Doctrine referred to by Mr. McPherson is based on the personal
9 actions of the sentencing judge and the United States Attorney and are not generally applicable
10 to other defendants such as Mr. McPherson. The so-called Holloway Doctrine provides no
11 relief.

12 For the foregoing reasons, the Motion for Compassionate Release Via Reduction or
13 Modification of Sentence Pursuant to 18 U.S.C. § 3582(1)(A)(i) for Extraordinary and
14 Compelling Reasons or, Alternatively, the "Holloway Doctrine" (Dkt. 185) is DENIED
15 WITHOUT PREJUDICE.

16 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
17 to any party appearing *pro se* at said party's last known address.

18 Dated this 9th day of October, 2019.

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20 ROBERT J. BRYAN
21 United States District Judge
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